

REMARKS/ARGUMENTS

Claims 6, 17-41, 47-49 and 53-60 are pending in the above application.

The Office Action dated October 14, 2009, has been received and carefully reviewed. In that Office Action, claims 18-21, 23, 24, 27, 29, 32-39, 41, 49 and 54-59 were objected to, claims 17-21, 23-39 and 53-60 were rejected under 35 U.S.C. 102(b) as being anticipated by Amick, and claims 6, 22, 40, 41 and 47-49 were allowed. The claim objections and rejections are addressed below, and reconsideration and allowance of claims 17-21, 23-39 and 53-60 are respectfully requested in view of the following remarks.

WITHDRAWAL OF PREVIOUS REJECTIONS

Claims 6, 22, 40, 41 and 47-49 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Amick; however, in the present Office Action, these claims are indicated to be allowed. The reason for withdrawing the previous rejections provided in the Office Action is "See Applicant's Arguments/Remarks of 09/23/2009."

Section 707.07(f) of the MPEP provides:

If applicant's arguments are persuasive and upon reconsideration of the rejection, the examiner determines that the previous rejection should be withdrawn, the examiner must provide in the next Office communication the reasons why the previous rejection is withdrawn by referring specifically to the page(s) and line(s) of applicant's remarks which form the basis for withdrawing the rejection. It is not acceptable for the examiner to merely indicate that all of applicant's remarks form the basis for withdrawing the previous rejection (emphasis added).

Applicant previously argued that all claims were allowable over the art of record. It is therefore not clear why some claims have been allowed while others remain rejected. It

is respectfully requested that the examiner comply with the requirements of MPEP 707.07(f) and explain with more specificity why the above-referenced claims were allowed. Such an explanation will allow applicant to better understand why the remaining claims remain rejected, because, as discussed below, if Applicant's arguments were persuasive, it is believed that all pending claims should have been allowed.

This information should have been presented in the present, non-final Office Action. If all claims are not allowed, it is respectfully requested that this information be provided in a further non-final Office Action so that Applicant will be able to respond with claim amendments, if necessary, as would have been possible in response to the present non-final Office Action.

THE EXAMINER HAS NOT ANSWERED ALL MATTERS TRAVERSED

Section 707.07(f) of the MPEP provides that "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." The comment to form paragraph 7.38 of MPEP 707.07(f), which includes the "moot in view of the new grounds of rejection" language found in the present Office Action, indicates that the examiner must answer any arguments that remain relevant even when new rejections are presented.

In the present case, the rejections of the pending claims are based on the same Amick reference that was previously used to reject all claims. The rejections of most claims are nearly identical to the previous rejections. The rejections of claims 25 and 26 are identical to the previous rejections of these claims. Applicant presented arguments

distinguishing the claims over Amick, and these arguments remain relevant; however they have not been addressed. If all claims are not allowed, it is respectfully requested that the examiner comply with the requirements of MPEP 707.07(f) and respond to Applicant's arguments (both previously presented and presented herein). Moreover, if all claims are not allowed, it is respectfully requested that this information be provided in a further non-final Office Action so that Applicant will have the opportunity to respond to the arguments with claim amendments, if necessary, which would have been possible to do in response to this Office Action but which cannot be done as of right in response to a final Office Action.

CLAIM OBJECTIONS

Applicant has changed the words "a" and "an" in the preambles of several dependent claims to "the" as requested by the examiner. The withdrawal of the objections to the claims is respectfully requested.

REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Amick. Claim 17 recites a network device adapted to receive an incoming call, the network device comprising a call processing function. The call processing function is adapted to, if the incoming call received at the network device was intended for the network device, enable a user to answer the incoming call at the network device. The network device also includes a call forwarding function adapted to, if the incoming call received at the network device was intended for an other network device, look-up a call

forwarding destination on behalf of the other network device, and initiate a connection with a network device having the call forwarding destination.

The Office Action asserts that Amick's office telephone 11 corresponds to the recited "network device." The Office Action then indicates that this network device includes a call processing function in the form of virtual network call processor 20. However, as previously argued, virtual network call processor 20 is a piece of centrally located telephone equipment that is available to many different users (Amick, column 7, lines 12-30). Virtual network call processor 20 is not part of telephone 11, and no basis has been provided for suggesting that telephone 11 includes a call forwarding function when the call forwarding function is performed by a remote piece of equipment. Claim 17 is submitted to be allowable over Amick for this reason.

If the rejection of claim 17 is not withdrawn, it is respectfully requested that the examiner comply with the requirements of MPEP 707.07(f) and address the above traversal of the rejection of claim 17. Specifically, it is respectfully requested that the examiner explain how telephone 11 is being interpreted to comprise a call forwarding function when the call forwarding function is handled by a remote piece of telephone company equipment, namely, virtual network call processor 20.

Claims 18-21, 23 and 24 depend from claim 17 and are submitted to be allowable for at least the same reasons as claim 17.

Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Amick. Claim 25 recites a network device that is a VoIP telephone that includes a call forwarding function adapted to, if the incoming call received at the network device was intended for another network device, look-up a call forwarding destination on behalf of

the other network device, and initiate a connection with a network device having the call forwarding destination. Applicant distinguished this claim over Amick in the previous reply, but Applicant's arguments were not addressed. Instead, the current Office Action includes the same rejection of claim 25 as presented in the prior Office Action.

As previously argued, Amick's office telephone 11 is not disclosed as being a VoIP telephone. Column 9, lines 1-13 of Amick cited in the Office Action describes devices that can be called by virtual network call processor 20, not, the nature of office telephone 11. Even if a reason were provided for replacing Amick's office telephone 11 with a VoIP telephone, such a telephone would not necessarily include a call forwarding function since such a function would presumably be provided by the PBX 9 disclosed in Amick. Claim 25 is submitted to be allowable over Amick for at least this reason.

If claim 25 is not allowed, it is respectfully requested that the examiner respond to these arguments as required by MPEP 707.07(f).

Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Amick using arguments identical to those made in the previous Office Action. Applicant traversed these arguments, but the examiner did not respond to the traversal as required by MPEP 707.07(f). The arguments are therefore presented again below. It is respectfully requested that if claim 26 is not allowed, the examiner respond to the following arguments as required by the MPEP.

Claim 26 recites a network device adapted to participate in call forwarding that includes a call forwarding function. For a call initiated with a first other network device, if the first other network device cannot be reached, the call forwarding function is adapted to: i) look-up a destination address for a second other network device; ii)

initiate another call to the second other network device; and iii) responsive to receiving a first message from the second other network device containing a call forwarding destination, respond with a second message to a network device having the call forwarding destination for setting up another call, the call forwarding destination being obtained by the second other network device on behalf of the first network device. The Office Action indicates that Amick's virtual network call processor performs the recited call forwarding function, that office telephone 11 corresponds to the recited first other network device, that home office phone 28 corresponds to a second other network device and that a mobile phone 26 corresponds to "a network device having the call forwarding destination." It is respectfully submitted that Amick does not satisfy the recitations of claim 26. The rejection is addressed below using the examiner's interpretation of the elements of Amick that allegedly correspond to the elements of claim 26 to show how Amick does not satisfy these limitations.

When office telephone 11 cannot be reached, Amick's virtual network call processor 20 pulls back a call and attempts to reach a user at another location, home office phone 28, for example. However, claim 26 recites an action responsive to "receiving a first message from the second other network device containing a call forwarding destination." Amick does not show the home office telephone sending a message containing a call forwarding destination to the virtual network call processor. The home office telephone might return a ringing signal or a busy signal, but there is no indication that it returns a message containing a call forwarding destination to the virtual network call processor. Claim 26 also recites that the first network device responds to the previously discussed message with a second message to a network device having

the call forwarding destination. Amick's virtual call processor 20 does not respond to a message from home office telephone 28 having a call forwarding destination. Instead, virtual call processor 20 already has other stored numbers to try (such as mobile telephone 26) if home office telephone cannot be reached. Amick also fails to satisfy this limitation of claim 26. Claim 26 is submitted to be allowable over Amick for at least these reasons.

Claim 27 depends from claim 26 and is submitted to be allowable for at least the same reasons as claim 26.

Claim 28 recites a network device adapted to participate in forwarding of a call from the network device to a first other network device, the network device comprising a call forwarding function adapted to, responsive to receiving a first message from a second other network device for replacing the call with another call with the second network device, establishing a media path with the second other network device. The limitations of this claim are not discussed in the Office Action, and Amick does not show a network device, a first other network device and a second other network device that interact as claimed. Claim 28 is submitted to be allowable over Amick for this reason. If the rejection of claim 28 is maintained, it is respectfully requested that the examiner explain which element of Amick is being interpreted as corresponding to the recited network device, which element is the first other network device, and which element is the second other network device and to identify the "message from the second other network device for replacing the call with another call" so that the basis for this rejection can be better understood.

The limitations of independent claims 30 and 31 are not addressed in the Office

Action. It is respectfully submitted that Amick does not show a network device, first other network device or second other network device as recited in the claims. Claims 30 and 31 are submitted to be allowable over Amick for at least this reason. If the rejections of these claims are not withdrawn, it is respectfully requested that the examiner identify the elements of Amick that are believed to correspond to each limitation of these claims so that the basis for rejection the claims can be better understood.

Claims 32-39 depend from claim 31 and are submitted to be allowable for at least the same reasons as claim 31.

Claim 53 recites an article of manufacture comprising a computer usable medium including computer readable program code means for performing a method related to the method of claim 17. Claim 53 is submitted to be allowable for at least the reasons provided in connection with claim 17.

Claims 54-59 depend from claim 53 and are submitted to be allowable for at least the same reasons as claim 53.

Claim 60 recites a method in a network device that comprises: responsive to receiving an incoming call from a first other network device, if the incoming call was intended for an other network device, looking-up a call forwarding destination on behalf of the other network device, and responding to the incoming call with the call forwarding destination, where responding to the incoming call with the call forwarding destination comprises sending a message to the first other network device identifying the call forwarding destination.

The Office Action appears to be interpreting Amick's virtual network call

processor 20 as corresponding to the claimed “network device” and to the source telephone 1 as corresponding to the first other network device and to home office 28 or mobile phone 26 as the “other network device.” Confirmation that this interpretation is correct or clarification of which element of Amick is believed to correspond to each element of claim 60 is respectfully requested. Under this interpretation, Amick’s virtual network call processor would have to send a message to source telephone 1 that identifies home office 28 as a calling destination. Amick does not show any such message being sent from virtual network call processor 20 to source telephone 1. Instead, Amick merely connects the incoming call to, e.g., office 28 if telephone 11 is not available. Claim 60 is submitted to be allowable over Amick for at least this reason.

If the rejection of claim 60 is not withdrawn, it is respectfully requested that the examiner explain how virtual network call processor 20 sends a message to source telephone 1 so that the basis for this rejection can be better understood.

CONCLUSION

It is believed that claims 6, 17-41, 47-49 and 53-60 are in condition for allowance, wherefore, the allowance of these claims is earnestly solicited. If the examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact Scott Wakeman (Reg. No. 37,750) at the telephone number listed below.

Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,

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